

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FLOYD E. CROSS,)	
)	
Plaintiff,)	
)	
v.)	CV 120-173
)	
MEGAN J. BRENNAN, U.S.P.S. Postmaster)	
General; CANDACE HADDEN, Midville)	
Postmaster; and KELLI BROWN, Rural)	
Carrier,)	
)	
Defendants.)	

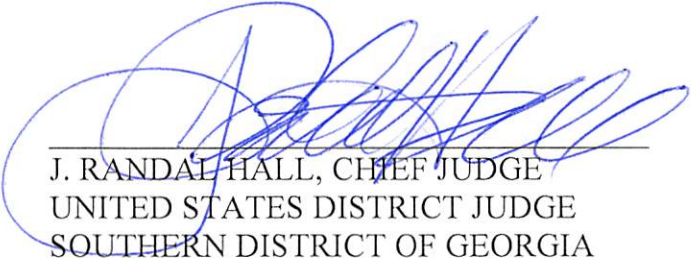
ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 11.) The Magistrate Judge recommended dismissal of the case without prejudice because Plaintiff failed to timely effect service of process. (See doc. no. 8.) In his objections, Plaintiff argues that after the recommendation for dismissal, he obtained summons for Defendants and mailed them via certified mail, thereby accomplishing valid service. (Doc. no. 11.) The United States Attorney's Office acknowledges receipt of a copy of the summons and complaint via certified mail on April 26, 2021, but argues Plaintiff did not timely serve the proper Defendants, and, even if the untimeliness were excused, service was improper because Plaintiff served the summons and complaint himself. (Doc. nos. 12, 13.)

Nothing in Plaintiff's objections changes the analysis that his case is due to be dismissed because of the failure to properly effect service in a timely fashion. Indeed, Plaintiff does not offer good cause for his belated request for summons, and in any event, he concedes he attempted service himself, a violation of the Federal Rules of Civil Procedure which prohibit a party from effecting service. See Fed. R. Civ. P. 4(c)(2); see also Shelton v. McDonough, CV 320-080, doc. no. 7 (S.D. Ga. Apr. 28, 2021) (collecting cases for proposition Rule 4(c)(2)'s prohibition on service by a party applies even to service by certified mail).

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint without prejudice based on the failure to timely effect service, and **CLOSES** this civil action.

SO ORDERED this 10th day of May, 2021, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA